

\*E-FILED - 7/23/08\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

N.A. and A.A., minors by and through their  
Guardian Ad Litem, RICHARD H. WEST,

Plaintiffs,

vs.

COUNTY OF MONTEREY; LUCILLE HRALIMA as an employee of the COUNTY OF MONTEREY; STEVEN SINOR as an employee of the COUNTY OF MONTEREY; MICHELLE CASSILLAS as an employee of the COUNTY OF MONTEREY; PAT MANNION as an employee of the COUNTY OF MONTEREY; EVLA MANCILLA as an employee of the COUNTY OF MONTEREY; ADA SIFUENTES and ANTONIO SIFUENTES, as agent and/or state actor of the COUNTY OF MONTEREY; and Does 1 to 100, Inclusive.

## Defendants.

Case No. C-08-00689-RMW

**ORDER APPROVING COMPROMISE OF  
DISPUTED CLAIMS OF MINORS AND  
AWARD OF ATTORNEY'S FEES**

24 Richard H. West, Guardian Ad Litem for minors N.A. and A.A., seeks court approval of the  
25 compromise of said minors' claims and payment of attorney's fees. The court previously approved  
26 the settlement subject to further proof as to the reasonableness of the attorney's fees requested.  
27 Petitioner seeks approval of fees in the amount of \$100,000 or 33½ % of the gross recovery for the  
28 minors. Counsel waives their costs of \$2657.39.

1       The court is satisfied that the settlement is in the best interest of each of the minors  
2 considering the amount to be paid and the structure of the settlements. In fact, the settlement seems  
3 very favorable to the minors based upon the circumstances. Normally, the court would hesitate to  
4 authorize payment in excess of 25% of the net recovery as a contingent fee. However, given the  
5 result, the work that was involved and the difficult factual and legal issues, the court is willing in  
6 this case to authorize the requested amount.

7       Although the lodestar calculation is in excess of the fees requested, the court does find the  
8 calculation inflated by excessive hourly rates by three separate attorneys and by generous allocations  
9 of time.<sup>1</sup> Nevertheless, the superior result merits a premium over the usual 25% contingency fee for  
10 minors.

11       The court approves the purchase of the proposed annuities at this time and awards \$100,000  
12 in attorney's fees.

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14 DATED: 7/23/08

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17 RONALD M. WHYTE  
18 United States District Judge

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<sup>1</sup>The court generally does not see secretarial charges in addition to attorney's fees which is particularly questionable here where the attorney's rates are high.